

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
April 27, 2009

D050879 McWethy v. Green

Order affirmed. Benke, Acting P.J.; We Concur: O'Rourke, J., Irion, J.

D054928 Haraszewski v. Superior Court of San Diego County/The People

The petition for writ of mandate and request for stay have been read and considered by Justices Benke, McDonald and O'Rourke. The petition is denied.

D052426 People v. Nourn

The judgment is affirmed. Nares, Acting P.J.; We Concur: McDonald, J., McIntyre, J.

D054607 In re Mills on Habeas Corpus

The petition is denied.

D052674 People v. Owsley

The petition for rehearing is denied.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
April 28, 2009

D053341 People v. Morgan

The petition for rehearing and appellant's request for leave to file supplemental opening brief are granted. No further brief is required. The case is deemed submitted as of this date.

D053516 In re J.W., a Juvenile

The request for publication is denied.

D052079 National Metal Technologies, Inc., et al. v. Greene et al.

D053300 National Metal Technologies, Inc., et al. v. Bille

(Consolidated). The judgments are reversed. NMT is awarded its costs on appeal. McIntyre, J.; We Concur: McConnell, P.J., Nares, J.

D052817 Zaya v. Chaker

The orders are affirmed. The motion for sanctions is denied. Zaya is awarded her costs of appeal. McIntyre, J.; We Concur: Benke, Acting P.J., Nares, J.

D053605 In re Grace P., a Minor

The judgment is affirmed. Respondents are entitled to their costs of appeal. McIntyre, J.; We Concur: Nares, Acting P.J., McDonald, J.

**D054872 Anna C. et al. v. Superior Court of San Diego County/San Diego County
Health and Human Services Agency**

The attorney for petitioner Jack C. has notified the court that a petition for writ of mandate under California Rules of Court, Rule 8.452 and 5.600 will not be filed as there are no viable issues for writ review. The case as to Jack C. is dismissed.

**D054884 G. F. et al. v. Superior Court of San Diego County/San Diego County Health
and Human Services Agency**

The attorney for petitioner E. F. has notified the court that a petition for writ of mandate under California Rules of Court, Rule 8.452 and 5.600 will not be filed as there are no viable issues for writ review. The case as to G. F. is dismissed.

**D054777 Deanna E. v. Superior Court of San Diego County/San Diego County Health
and Human Services Agency**

The attorney for petitioner Deanna E. has notified the court that a petition for writ of mandate under California Rules of Court, Rule 8.452 and 5.600 will not be filed as there are no viable issues for writ review. The case is dismissed.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
April 28, 2009 (Continued)

D053126 People v. Guzman

The judgment is affirmed. Huffman, J.; We Concur: McConnell, P.J., Irion, J.

D054721 In re Oliver on Habeas Corpus

The petition is denied.

D052181 State Building and Construction Trades Council of California, AFL-CIO v. City of Vista et al.

The judgment of the trial court is affirmed. CERTIFIED FOR PUBLICATION. Benke, Acting P.J.; I Concur: Huffman, J.; I Dissent: Irion, J. (opinion)

D052315 Sharp v. City of San Diego

The judgment is affirmed. The City is entitled to costs on appeal. McConnell, P.J.; We Concur: Nares, J., McIntyre, J.

D052188 People v. Dearment

The judgment is affirmed. Huffman, Acting P.J.; We Concur: Haller, J., McIntyre, J.

D052897 City of San Diego v. Willkie Farr & Gallagher, LLP

The order is affirmed. The City is awarded its costs on appeal. McConnell, P.J.; We Concur: Haller, J., Aaron, J.

D054719 In re Gonzales on Habeas Corpus

The petition is denied.

D054340 In re Jenson on Habeas Corpus

The petition is denied.

D051554 Larson v. Casual Male Stores, LLC

D052185 Larson v. Casual Male Stores, LLC

The petition for rehearing is denied.

Presiding Justice McConnell and Associate Justice Huffman concur in the denial; Associate Justice Aaron would grant.

D054746 In re Hill on Habeas Corpus

The petition is denied.

D052919 People v. Jonathan M.

The judgment is reversed. Huffman, J.; We Concur: Benke, Acting P.J., Haller, J.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
April 28, 2009 (Continued)

D053975 People v. Davis

Upon filing an abandonment of appeal, personally signed by the defendant, the appeal is dismissed and the remittitur is ordered to issue immediately. (Cal. Rules of Court, rule 8.316.)

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
April 29, 2009

D052454 People v. Hernandez

The Judgment is affirmed. O'Rourke, J.; We Concur: Haller, Acting P.J., Irion, J.

D051154 Loerch v. Regents of the University of California

The petition for rehearing is denied.

D052972 In re Conservatorship and Estate of Becerra

The opinion filed April 9, 2009, is modified. No change in judgment. The petition for rehearing is denied.

D052650 New Century Corporation v. Positive Investments, Inc.

The judgment is affirmed. PII shall recover its costs on appeal. Nares, J.;
We Concur: McConnell, P.J., McIntyre, J.

D051969 People v. Williams, Jr.

Williams' conviction for multiple conspiracies is reversed, and the case remanded for further proceedings in accordance with this opinion. In all other respects, the judgment of conviction is affirmed. Benke, Acting P.J.; We Concur: Nares, J., O'Rourke, J.

D053150 EBS Concrete, Inc., v. Target Financial & Insurance

The judgment is reversed as to the causes of action for conversion, constructive trust, and unjust enrichment. In all other respects the judgment is affirmed. EBS shall recover its costs on appeal. Nares, J.; We Concur: Huffman, Acting P.J., Aaron, J.

D053616 Gandy v. Housing Authority of the County of San Diego et al.

The judgment is affirmed. Parties to bear their own costs on appeal. Haller, J.;
We Concur: Benke, Acting P.J., Huffman, J.

D054035 In re Cody E., a Juvenile

The order is affirmed. O'Rourke, J.; We Concur: Benke, Acting P.J., McIntyre, J.

D053249 People v. Forte

The judgment is modified in case No. SCD184255 to reflect a \$200 restitution fine (' 1202.4, subd. (b)) and a \$200 parole revocation fine (' 1202.45) in place of the \$250 fines, and 677 days' credit, plus eight days' section 4019 credit, plus 85 days' section 2933.1 credit for a total of 770 days' credit. As so modified, the judgment is affirmed. The trial court is directed to prepare an amended abstract of judgment and to forward it to the Department of Corrections and Rehabilitation. Aaron, J.; We Concur: McConnell, P.J., Haller, J.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
April 29, 2009 (Continued)

D053315 Arellanes v. McCain

Appellant has failed to file a brief after notice given pursuant to California Rules of Court, rule 8.220(a). The appeal is dismissed.

D053018 Donnelly v. Negrete

The opinion filed April 8, 2009, is modified. There is no change in judgment. The petition for rehearing is denied.

D054949 In re Butler on Habeas Corpus

The petition is denied.

D054999 In re Consiglio on Habeas Corpus

The petition is denied.

D055021 State of California Ex Rel Department of Transportation v. The Superior Court of San Diego County/San Bernardino County Flood Control District et al.

At the request of petitioner, the petition for writ of mandate is dismissed.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
April 30, 2009

D054208 People v. Patterson

The judgment is affirmed. Benke, Acting P.J.; We Concur: Haller, J., Irion, J.

D054022 People v. Arias

The judgment is affirmed. Benke, Acting P.J.; We Concur: McDonald, J., Irion, J.

D054293 Canyon Gateway, LLC. v. Bedford

Appellant has failed to file a brief after notice given pursuant to California Rules of Court, rule 8.220(a). The case is dismissed.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
May 1, 2009

D053066 In re Cecil J., a Juvenile

The judgment is affirmed. Aaron, J.; We Concur: McConnell, P.J., McIntyre, J.

D053672 In re the Marriage of Ollervides and Cohen

The order is affirmed in part and reversed in part, and the matter is remanded with directions that the trial court vacate the order dismissing Wife's petition and issue a new order granting a stay of Wife's action, subject to the following conditions (and such other conditions the court may deem appropriate): (1) during the pendency of Husband's Mexican action, the court must require the parties to report to the court on a regular basis about any final resolution of Wife's jurisdictional challenges there; and (2) in the event the Mexican courts dismiss Husband's action for lack of jurisdiction over Wife or otherwise refuse to resolve the merits of the case, the trial court may dissolve the stay and resume proceedings in this California action. The judicial notice request is granted in part (proceedings in Mexico) and denied in part (news articles). Each party to bear its own costs on appeal. Huffman, J.; We Concur: Benke, Acting P.J., O'Rourke, J.

D052387 Alkasabi v. Seahaus La Jolla Owners Association et al.

Appellant has failed to file a brief after notice given pursuant to California Rules of Court, rule 8.220(a). The appeal is dismissed.